

**REMARKS**

Claims 1-2 and 4-11 are pending in the application. Claim 1 has been amended to incorporate the subject matter of claim 3, which has been canceled.

Entry of the above amendments is respectfully requested.

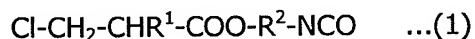
**I. Response to Rejection of Claims 1-11 under 35 U.S.C. § 103(a)**

Claims 1-3 and 6-11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Holtschmidt et al. (US 2,821,544).

In addition, claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Holtschmidt et al. (US 2,821,544) in view of Danielmeier et al. (US 6,222,066).

Applicants respectfully traverse the rejection.

Claim 1 is directed to a method for producing a (meth)acrylate derivative having an isocyanate group, the method comprising performing dehydrochlorination of a 3-chloropropionate derivative having an isocyanate group, the derivative being represented by the formula (1), in the presence of a basic nitrogen compound having a tertiary nitrogen to prepare a (meth)acrylate derivative having an isocyanate group, the derivative being represented by the formula (2), wherein the tertiary nitrogen of the basic nitrogen compound has at least one group other than an aromatic ring group:



wherein R<sup>1</sup> is a hydrogen atom or a methyl group, R<sup>2</sup> is an alkylene group of 1 to 10 carbon atoms that may be branched, or a hydrocarbon group in which a cycloalkylene group of 3 to 6 carbon atoms has alkylene groups of 0 to 3 carbon atoms at ends thereof. The basic nitrogen compound is a trialkylamine.

Holtschmidt discloses a technique which dehydrochlorinates  $\beta$ -chloropropionic ester isocyanate with relatively weak bases, for instance quinoline or dialkyl anilines, at temperatures of between 100 and 200°C. *See* col. 2, lines 24-27. However, Holtschmidt does not teach or suggest the use of trialkylamine.

Indeed, Holtschmidt discloses that strong tertiary bases are capable of exerting a polymerizing influence on the NCO group and therefore are not suitable according to its method (see column 2, lines 27-29).

Hence, it is respectfully submitted that Holtschmidt does not disclose, teach or suggest the present invention according to claim 1.

Furthermore, to demonstrate the differences between Holtschmidt and the present invention and the unexpected results thereof, a comparative experiment was carried out in the same manner as Example 1 of the present application, except that dialkyl aniline (dimethylaniline) was used. *See* Declaration under 37 C.F.R. § 1.132 submitted herewith. The results show that when dialkyl aniline was used, the effect of the present invention was not achieved. That is, no acryloyloxyethyl isocyanate was confirmed by gas chromatography analysis.

For at least the above reasons, it is respectfully submitted that the present invention according to claim 1 is patentable over Holtschmidt.

In addition, Danielmeier does not make up for the deficiencies of Holtschmidt.

Moreover, claims 2 and 4-11 depend from claim 1, and thus it is respectfully submitted that these claims are patentable for at least the same reasons as Holtschmidt.

In view of the above, withdrawal of the rejection is respectfully requested.

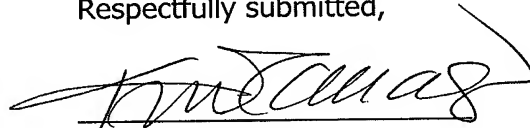
## **II. Conclusion**

For the forgoing reasons, reconsideration and allowance of claims 1-2 and 4-11 is respectfully requested.

If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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**23373**

CUSTOMER NUMBER

Date: May 18, 2009 (timely filed, May 17, 2009, being a Sunday)